

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

After entry of the foregoing amendment, Claims 21 and 22 are pending in the present application. Claims 21 and 22 are amended by the present amendment. No new matter is added.

In the outstanding Office Action, Claims 21 and 22 were objected to; and Claims 21 and 22 were provisionally rejected, under the judicially created doctrine of obviousness-type double patenting, as unpatentable over Claims 1 and 15 of U.S. Patent No. 6,643,046.

Regarding the objection to Claims 21 and 22, those claims are amended in view of discussions conducted between Examiner Spector and Applicants' representative on January, 28, 2005. More particularly, those claims are amended to recite that an operating point of an intensity modulator is adjusted such that an output of an intensity-modulated optical signal is eliminated when a phase of an NRZI-coded signal is substantially fixed.

During the discussions, Applicants' representative stated that the output of the intensity-modulated optical signal is based on the operating point of the intensity modulator and the phase of the NRZI-coded signal. If the phase of the NRZI-coded signal is substantially fixed, then the operating point can be adjusted at a rate which is sufficient to eliminate the output of the intensity-modulated signal; i.e., the operating point can be adjusted at a rate which is sufficient to compensate for changes in the phase of the NRZI-coded signal. By way of example (and example only), Applicant's representative described the use of a temperature-dependent optical waveguide to eliminate the output of an intensity-modulated signal.<sup>1</sup>

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<sup>1</sup> Specification, page 11, lines 1-9.

In view of the above discussions, Examiner Spector stated that replacing "continuously same value" with "substantially fixed" would overcome the outstanding objection. Accordingly, Applicants respectfully request that the objection of Claims 21 and 22 be withdrawn.

Regarding the provisional double patenting rejection of Claims 21 and 22 of the present application as unpatentable over Claims 1 and 15 of U.S. Patent No. 6,643,046, Applicants submit a Terminal Disclaimer, enclosed herewith, disclaiming the terminal part of any patent issued on the present application which extends beyond the term on U.S. Patent No. 6,643,046. Accordingly, Applicants respectfully request that the provisional double patenting rejection of Claims 21 and 22 be withdrawn.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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Eckhard H. Kuesters  
Attorney of Record  
Registration No. 28,870

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

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